

Holland & Knight

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February 23, 2017

Via E-mail [Kryman.Matthew@epa.gov]

Matthew Kryman
U.S. Environmental Protection Agency
OECA/AED/Western Field Office (8MSU)
1595 Wynkoop Street
Denver, CO 80202-1129

Re: Notice of Violation of Renewable Fuel Standards, File No. MSEB #8329

Dear Mr. Kryman:

On behalf of Triton Energy LLC (Triton) and Fred Witmer, I am responding to the February 15, 2017 Notice of Violation referenced above.

Mr. Witmer has pleaded guilty to one count of wire fraud based on his creation of invalid Renewable Identification Numbers (RINs), in Case No. 1:16-CR-64 in the Northern District of Indiana. Pursuant to his plea agreement in that case, he faces a term of 57 months' imprisonment and a restitution obligation of up to \$56 million to private victims based on his creation of the invalid RINs. He has an additional restitution obligation of \$8,071,487 to the U.S. Department of the Treasury based on having improperly claimed Alternative Fuel tax credits. Mr. Witmer also faces a criminal fine, but the U.S. Probation Office has recommended to the court, in its Presentence Investigation Report, that the imposition of a fine be waived because Mr. Witmer does not have the ability to pay a fine.

Furthermore, pursuant to the plea agreement in Case No. 1:16-CR-64, Mr. Witmer has dissolved Triton.

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In view of the foregoing information, I respectfully submit that no civil penalties should be assessed in this matter. If you have any questions, please contact me.

Sincerely yours,

HOLLAND & KNIGHT LLP

A handwritten signature in black ink, appearing to read "Steven D. Gordon", with a stylized flourish at the end.

Steven D. Gordon

SDG:aem